

## REMARKS

Claims 1-3, 5-28, 30-35, and 37 are pending. In the Office Action of July 2, 2007, Claims 1-3, 5-15, 22-26, and 37 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Also, Claims 34 and 35 were rejected under 35 U.S.C. § 102(b) as being fully disclosed by Chilcoat et al., U.S. Patent No. 5,620,250. The Examiner's indication of the allowability of Claims 16-21, 27, 28, and 30-33 is appreciated.

### Claims 1-3, 5-15, 22-26, and 37 Are Allowed in Revised Form

The Examiner has indicated that the description of the present application does not disclose that the containers are closed. In the context of the present invention it is necessary for containers processed within a retort to be closed. This would be understood by one skilled in the art.

Nonetheless, to facilitate examination of the present application, Claim 1 has been amended to specify that the containers are for food products. In this regard, applicant notes that Szent-Gyorgyi et al., U.S. Patent No. 2,834,541, pertains to a laboratory centrifuge, which bears no actual relationship to a retort in the manner of the present invention. Moreover, Claim 1 as amended specifies that the processing fluid distribution system is configured and positioned to cause process fluid to flow over the food product containers. In the Szent-Gyorgyi et al. reference, the fluid mixture to be centrifuged is introduced into the interior test tube 32 and excess fluid is expelled from the tube through openings 33 formed in the test tube. For at least these reasons, applicant respectfully submits that Claim 1, as amended, is neither disclosed nor suggested by Szent-Gyorgyi et al.

With respect to Claims 34 and 35, applicant respectfully submits that Chilcoat et al. does not have the present invention in mind. The Chilcoat et al. patent pertains to a mixing device 10

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positioned within a container 12. The mixing device includes a conduit 60 which extends upwardly into the container, terminating at an upper hub 90 having a main body portion 100. Radial holes 114 extend outwardly from the hollow interior of the hub. A sleeve 160 surrounds the hub and is designed to rotate relative to the hub.

Fins 80 extend outwardly from the sleeve 160. Further, tubes 88 in fluid flow communication with the interior of the sleeve 160, extend outwardly from the sleeve along a corresponding blade or fin 80 to terminate at nozzles 88 disposed generally transversely to the plane of the blade/fin. Fluid passes upwardly through the central bore of conduit 60, through the main body portion 100, and out through radial holes 114 into the space between the main body and sleeve 160. From that location the liquid flows through the tubes 86 and out through tube nozzles 88, thereby to impart a rotary force on the fins 80 to mix the fluid within the container 12.

As apparent, the jet mixer of Chilcoat et al. is quite different from the agitating retort defined in Claims 33 and 34. Nonetheless, to facilitate examination of the present application, Claim 34 has been amended to more clearly characterize the present invention as a retort drum. In addition, Claim 34 specifies that the rotary coupling is disposed exterior to the drum assembly. In Chilcoat et al. the hub 90 is positioned within the mixing tank 12. Thus, for at least these reasons, applicant respectfully submits that Claim 34, as amended, is neither disclosed nor suggested by Chilcoat et al.

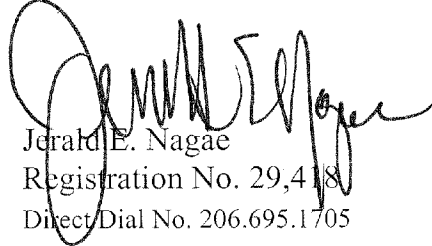
Since Claim 35 depends from Claim 34, this claim also should now be found allowable.

Based on the foregoing amendments and remarks, applicant respectfully submits that all the claims currently pending in the present application are in condition for allowance. If the

Examiner has any questions in this regard, the Examiner is requested to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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